

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR SPECIAL CITY COUNCIL MEETING

September 18, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, September 19, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

September 19, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Reverend Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. **SOUTHWESTERN INTERNATIONAL PROFESSIONAL RODEO COWBOYS ASSOCIATION (PRCA) RODEO WEEK**
2. **LIFE INSURANCE AWARENESS MONTH**
3. **RAYMOND M. AND LILIA TULLIUS - OPPORTUNITY CENTER FOR THE HOMELESS DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of September 12, 2006, and the Special City Council Meetings of August 7, 2006 (Budget Wrap-up) and September 11, 2006 (Agenda Review).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Limited Partnership ("Lessee"), and Western Refining Company, LP ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia Drive, El Paso, Texas. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That the Mayor is hereby authorized to execute the Mayor's Certificate indicating public approval required by Section 147(f) of the Internal Revenue Code and the General Certificate of the City as to the status of the El Paso Housing Finance Corporation in connection with the issuance by El Paso Housing Finance Corporation of its Single Family Mortgage Revenue Bonds (Mortgage Backed Securities Program) Series 2006. **(All Districts)**
[El Paso Housing Finance Corporation, Susie Byrd, (915) 541-4416]

- 3C.** That the City Council requests that the City Manager review the petition from real property owners requesting the establishment of a public improvement district (PID) to be known as the El Paso Public Improvement District No. 1 for an area commonly known as “Thunder Canyon” and she provide a recommendation on the advisability of the proposed improvement, its estimated cost, the method of assessment, and the apportionment of cost between the proposed PID and the City as a whole, and that a recommendation be provided on the appointment of an advisory body to develop and recommend an improvement plan to the City Council. **(District 1)** [Engineering Department, Rick Conner, (915) 541-4423]
- 3D.** That the Solid Waste liens on the attachment posted with this agenda be approved. **(Districts 1, 2, 3, 4, 7, & 8)** (See Attachment A)
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3E.** A Resolution authorizing the City Manager to amend the Facility Management and Tourism Agreement previously entered into with SMG to add management of the entire Plaza Theatre Performing Arts Center, such area to include but not limited to Arts Festival Plaza and the Plaza Theatre Annex; to clarify that the City Manager is the City’s Contract Administrator for purposes of the Facility Management and Tourism Agreement; and to rescind a City Council Resolution dated February 1, 2000, adopting a Policy and Procedure for Arts Festival Plaza Facility Rental. **(All Districts)**
[Museum and Cultural Affairs, Yolanda Alameda, (915) 541-4896]
- 4. REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
- Curlee, Martin G. – Police Officer
[Police Department, Paul Cross, (915) 564-7310]
- 5. BOARD RE-APPOINTMENTS:**
- 5A.** Marilyn J. Munden to the Greater El Paso Convention and Tourism Board by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4151]
- 5B.** Peggy Brown Browning to the Art Museum Advisory Board by Mayor John Cook.
[Mayor John F. Cook, (915) 541-4145]
- 6. BOARD APPOINTMENTS:**
- 6A.** Angelina (Angie) White to the El Paso Bond Overview committee by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4151]
- 6B.** Terri M. Spicer to the Art Museum Advisory Board by Mayor John Cook.
[Mayor John F. Cook, (915) 541-4145]
- 6C.** Maceo Crenshaw Dailey, Jr., Ph.D., to the Art Museum Advisory Board by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]
- 6D.** Antonio F. San Roman to the City Plan Commission by Representative Jose Alexandro Lozano, District 3. [Representative Jose Alexandro Lozano, (915) 541-4515]

7. **RESIDENTIAL STREETLIGHT(S):** Approve installation, power, and maintenance of residential streetlight(s) at the following location(s):

Installation of streetlight between 6228 and 6232 Pino Real Drive in Chaparral Park. As per EPEC, the cost to install is \$1200.00. Funding: District 1 Discretionary Funds, Dept. 01010001, Fund 01101, Special Projects Account 504420. [Representative Ann Morgan Lilly, (915) 541-4151]

8. **APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369] That the tax refunds listed on the attachment posted with this agenda be approved. (See Attachment B)

9. **BEST VALUE PROCUREMENT:**

- 9A. Award Solicitation No. 2006-108, Janitorial Services – Westside Police Regional Command Center, to Total Cleaning Service in the estimated annual amount of \$34,164.96.

Department:	General Services-Maintenance Division
Award to:	Total Cleaning Service
	El Paso, TX
Item(s):	No. 1
Annual Estimated Amount:	\$34,164.96
Option:	Vendor offers the City the option of extending the term of the contract for one (1) additional year at the same unit price.
Account No.:	31010326-01101-502226
Funding Source:	General Services, Maintenance Division Operating Account, Maintenance Service Contracts
Total Estimated Award:	\$102,494.88
District(s):	8

This is a requirements type contract with an initial term of thirty-six (36) months.

Vendor offers the City a prompt payment discount of 2.5%/20 days.

The Departments of Financial Services and General Services, Maintenance Division, recommend award as indicated to the bidder offering the best-value bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

- 9B. Award Solicitation No. 2006-195, Janitorial Services – 911 District Facilities, to C & L Janitorial Services in the estimated annual amount of \$53,571.12.

Department:	General Services-Maintenance Division
Award to:	C & L Janitorial Services
	El Paso, TX
Item(s):	No. 1, All Items
Annual Estimated Amount:	\$53,571.12
Option:	Vendor offers the City the option of extending the term of the contract for one (1) additional year at the same unit price.

Account No.: 31010326-01101-502226
 Funding Source: General Services, Maintenance Division Operating Account, Maintenance Service Contracts (to be reimbursed by 911 District)
 Total Estimated Award: \$160,713.36
District(s): 8

This is a requirements type contract with an initial term of thirty-six (36) months.

Vendor offers the City a prompt payment discount of 2%/10 days.

The Departments of Financial Services and General Services, Maintenance Division, recommend award as indicated to the bidder offering the best-value bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

10. BID:

Award Solicitation No. 2006-162 Air Purification Respiratory Parts to Fire Service Equipment, Inc. in the estimated annual amount of \$40,000.00.

Department: Fire
 Award to: Fire Service Equipment, Inc.
 Rio Rancho, NM
 Item(s): 1, 2, 3, and 4
 Annual Estimated Amount: \$40,000.00
 Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional year(s) if the option is exercised within two (2) years from the date of the award with the same discounts but for the current year pricing at the time of the extension.
 Account No.: 22010319-503208-01101
 Funding Source: Fire Department Operating Budget-Public Safety Equipment Maintenance/Repair
 Total Estimated Award \$80,000.00
District(s): All

This is a requirements type contract with an initial term of twenty-four (24) months.

The Departments of Financial Services and Fire recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

11. PUBLIC HEARINGS – DEVELOPMENT SERVICES

11A. An Ordinance changing the zoning of the west portion of Lot 1, Palo Vista Addition, El Paso, El Paso County, Texas, from R-3 (Residential) to C-4/C (Commercial/Conditions) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 12000 block of Montana Avenue. Applicant: Ysela Sanchez. ZON06-00076. **(District 5)**
 [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 11B.** An Ordinance granting a Special Privilege authorizing the temporary closure of a portion of Myrtle Avenue for a "Dedication Ceremony" sponsored by the Opportunity Center for the Homeless on September 21, 2006. (Fee: \$137.50, SPL06-00001) **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

12. PUBLIC HEARING – AIRPORT

An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations), Section 14.16.413 (Fees-Supplemental Vehicles - Transferability - Refunds) of the El Paso City Code to amend the required permit fees for taxi cabs operating at the Airport. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

- 13A.** Discussion and action on the City-County Health Department Vector Control and what can be done to make this operation more effective and bring the mosquito problem all over the City under control and prevent any West Nile Virus fatalities.
[Representative Ann Morgan Lilly, (915) 541-4151]
- 13B.** Discussion and action concerning the clearance of vegetation and debris in El Paso's drains, by Representative Steve Ortega, District 7.
[Representative Steve Ortega, (915) 541-4124]

14. ENGINEERING:

- 14A.** Discussion and action on a Resolution authorizing the City Manager to sign a Professional Services Agreement between the City Of El Paso and Moore Nordell Kroeger Architects, Inc., to perform professional services for a project known as "Epia Passenger Terminal Modifications and Additional Public/Concession Space" in an amount not to exceed seven hundred fifty-nine thousand seven hundred thirteen and 16/100 dollars (\$759,713.16). **(District 2)**
[Engineering Department, Rick Conner, (915) 541-4423]
- 14B.** Discussion and action on the approval of Construction Quantity Notice No. 1 to J.A.R. Concrete, Inc. for Contract Number 2005-152, Citywide Repair or Construction of Parkway Structures 2005-2006 to increase the unit quantities. The dollar amount of this quantity notice is \$1,000,000.00. This increase will allow use of available funding to continue to repair and construct structures located within the parkway portion of streets citywide. This quantity notice does not change contract unit prices.

Funds Available: Street Maintenance – 32010200, Flood Control – 32010160, CDBG – G7131CD0021, 2006 Certificates of Obligations – PCP06ST013

Funding Source: Street Department General Funds, Community Development Block Grant, and 2006 Certificates of Obligations

Location(s): Citywide

District(s): All

[Engineering Department, Rick Conner, (915) 541-4423]

15. PARKS AND RECREATION:

Discussion and action on a Resolution that the Year 2006-2016 Parks and Recreation Master Plan for the City of El Paso, Texas, be officially adopted, as is on file with the Office of the City Clerk, and incorporated herein for all intents and purposes.

(All Districts) [Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

POSTPONED FROM 08-29-06 AND 09-12-06

16. CITY MANAGER:

City Manager's report of current events and issues:

16A. Discussion and action on issues related to Storm 2006 as follows:

- a. FEMA updates
- b. City response to cleanup efforts
- c. City CIP project priorities
- d. Authorization for the City Manager to complete all necessary documents to effectuate immediate and future bond reprogramming efforts.
- e. Authorization to begin process for an emergency bond issuance
- f. Resolution that the City Manager is authorized to enter into contracts and any other agreements necessary for the design, repair, rebuilding, and reconstruction of the City's public infrastructure and facilities damaged by Storm 2006, and that based on the Council's findings and determination, the expenditure of funds for such contracts qualifies as an exemption from the state procurement requirements because of the public calamity; the necessity to preserve the property of the municipality, the need to preserve and protect the public health and safety of the municipality's residents, and because of the unforeseen damage to public machinery, equipment or other property. In addition, the City Manager is authorized to suspend administrative procedures for such contracts necessary for services and materials authorized under this Resolution. The contract amounts for any of the above contracts are not limited; however, the City Manager will provide a quarterly report to Council accounting for all such contracts executed under this Resolution.

16B. Discussion and action to authorize the City Manager to research and evaluate the creation of a Stormwater Management & Utility District under the possible auspices of the El Paso Water Utilities – Public Service Board.

16C. Discussion and action on the 2000 Quality of Life Bond Program:

- a. Project and funding status
- b. Program issues relative to bid proposals and awards
- c. Policy direction on scope and timeline for remaining major projects

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open

Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** William Burkett vs. City of El Paso, et. al; Cause No. EP-06-CA-0122-FM. (551.071).
[City Attorney's Office, John L. Anderson, (915) 541-4550]
- EX3.** Claim of Bob Rhodes, Our File No. 06-C-055/Police. (551.071).
[City Attorney's Office, John L. Anderson, (915) 541-4550]
- EX4.** Discussion and action concerning the employment status of the Director of the El Paso City-County Health and Environmental District. (551.071 and 551.074).
[Representative Steve Ortega, District #7, (915) 541-4108]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>